## RETURN OF WAIVER OF SERVICE OF SUMMONS

I acknowledge receipt of the request that I can waive service of summons in the matter of C.A. No.07-791 the United States District of Delaware. I have also received a copy of the complaint in the action, two copies of this form, a copy of the Order of the Court authorizing service and a means by which I can return the signed waiver without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court, except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgement may be entered against the party on whose behalf I am acting if a response is not served and filed within 60 days after: May 27, 2008.

Signature of Defendant Printed or Typed Name

## DUTY TO AVOID UNNECESSARY COST OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary cost of service of the summons and the complaint. A defendant located in the United States, who, after being notified of an action and asked to waive service of summons on behalf of a plaintiff located in the US, fails to do so will be required to bear the cost of such service unless good cause be shown for that defendant's failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over defendant's person or property. A defendant who waives service of summons retains all defenses and objections, except any relating to the summons or the service of summons, and may later object to the jurisdiction of the Court or to the place to where the action has been brought.

A defendant who waives service must within the time specified on the "Return of Waiver" form served on plaintiff, if unrepresented or on plaintiff's attorney, a response to the Complaint and must also file a signed copy of the response with the Court. If the answer or a motion is not served within this time, a default judgement may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

45:8 MY 01 NOT 800.

U.S. Department of Justice United States Marshals Service

## PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

Michael L JONES						COURT CASE NUMBE		ir.
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SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:							process to be this Form - 285	NA
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1181 Paddock Rd. DCC						Number of parties to be served in this case		3
Smyrna Del 19977						served in ti	nis case	<u> </u>
						Check for service on U.S.A.		
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Signature of Attor	ney or other Origina	ntor requesting	service on	behalf of:	PLAINTIFF	TELEPHO	NE NUMBER	DATE
Michael I /				☐ DEFENDAN	N/A		4-23-08	
SPACE BI	ELOW FOR	USE O	F U.S.	MARSHA	L ONLY — D	O NOT W	RITE BELO	W THIS LINE
I acknowledge receipt for the total Total Process District District Signat of Origin to Serve				Signature of Auth	nature of Authorized USMS Deputy or Clerk		Date	
(Sign only first U	USM 285 if more	1	or Origin	<u>.</u>	-		5=	5-27-6
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	<u> </u>			he individual, co	ompany, corporation, o	etc., named abo	ove (See remarks belo	·w)
Name and title of individual served (if not shown above)								suitable age and dis- siding in the defendant's f abode.
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